IN RE: PETITION FOR CONING VARIANCE * N/S Brook Road, 392' +/+ E of the c/l of Stevenson Lane (571 Brook Road) 9th Election District 4th Councilmanic District

DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 88-318-A Ralph J. Rizzo, et ux

Petitioners * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 4 inches in lieu of the required 6 feet for an existing carport, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified, and were represented by Counsel. Mr. & Mrs. James Galley ar their daughter appeared as Protestants.

Testimony indicated that the Petitioners purchased the subject property in 1964. At that time, the property was improved with an existing dwelling and an attached aluminum carport. In 1978, the Fetitioners replaced the aluminum carport which had collapsed due to a heavy snowfall. The new carport was placed in the same location as the original. In 1986, the Petitioners had their property surveyed at which time they discovered the carport slightly encroached the adjacent property owned by the Protestants. Shortly thereafter, the Petitioners

had the carport modified so that it was then 4" from the property line.

Testimony indicated that the carport could not be constructed in strict Compliance with the zoning regulations and be of practical use. The Petitioners testified that the carport is necessary for health reasons. Mr. Rizzo testified that he has a heart condition and is unable to shovel snow. He indicated he receives social security disability and has handicapped license plates.

Mr. & Mrs. Galley, the adjoining property owners, testified that they are not opposed to the carport provided it meets the fire safety code. The Galley's indicated they were concerned because the previous carport was made aluminum and the replacement is out of wood.

PROPERTY DESCRIPTION

BEGINNING ON NORTH SIDE OF BROOK ROAD 50 FEET WIDE, AT THE DISTANCE OF 392' EAST OF THE CENTERLINE OF STEVENSON LANE. BEING LOT F, IN THE SUBDIVISION OF GREENBRIER. BOOK NO. 22, FOLIO 117. ALSO KNOWN AS 571 BROOK ROAD IN THE 9th ELECTION DISTRICT.

The testimony of both parties indicated that the lines of communication between the Rizzos and the Galleys had broken down.

The Petitioner was requested to obtain verification that the carport meets the fire safety ccde requirements for Baltimore County. Captain Kelly of the Baltimore County Fire Department studied the pictures submitted by the Protestants in the file and indicated that the carport as constructed appears to meet County fire code requirements.

Based upon the testimony and evidence presented at the hearing, it is the opinion of the Deputy Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Deputy Zoning Commissioner, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 400 day of March, 1988 that a side yard setback of 4 inches in lieu of the required 6 feet for an existing carport, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

> 1) The carport shall comply with all applicable requirements of the Baltimore County Fire and Building Code.

> > ANN M. NASTAROWICZ Deputy Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTIK2 ZONING DEPARTMENT OF BALTIMORE COUNTY

District 9 Th	Date of Posting 1/39/88
Posted for: Variance	
Petitioner: Rolp4 J. R.	1-120 etox
Location of property: MS Brooks Re	1, 392' E/STormson Lans.
571	Brook Rd
Location of Signer Facing Brook	oner garen 25° fr. yvadweg,
on proporty of Potit	oner
Remarks:	
Posted by Signature	Date of return: 1/29 187
Number of Signs:	·

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoring Commissioner of Bal tubore County, by authority of the Zoning Act and Regulations of Balti-mère County, will hold a public hearing on the property identified below in Room 106 of the County Ottice Building, located at 111 W Chesapeake Avenue in Towson Maryland as follows:
C2\(\text{le number: 88-318-A}\)
1\(\text{le Brook Road, 392' \pm c1 Stevens:}\)
Lane (571 Brook Road)
9th Election District — 4th Councillation of the council and the counc manic District
Peditioners: Ralph J. Rizzo, et us
DATE/TIME: Wednesday, Februar
17, 1988 at 2:00 p.m. In the event that this Petition is issued within the thirty (30) day as pear period. The Zoning Commis-sioner will, however, entertain any request for a stay of the issuance of nust be in writing and received in J. ROBERT HAINES

TOWSON, MD., Jan. 28 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan. 28 1988

THE JEFFERSONIAN,

Mr. & Mrs. Ralph J. Rizzo 571 Brook Road Baltimore, Maryland 21204

RE: Petition for Zoning Variance N/S Brook Road, 392' +/- of the c/l of Stevenson Lane 9th Election District, 4th Councilmanic District Case No. 88-318-A

Dear Mr. & Mrs. Rizzo:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted in accordance with the at-

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ Deputy Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. James E. Galley 573 Brook Road, 21204 People's Counsel

Enclosures

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

When we purchased our property, 57I Brook Rd., in 1964, it had an existing aluminum carport. During a heavy snowfall in 1978, due to snow weight, the entire carport and attatched patic awning collapsed. Consequently during that same year we had a new carport and patic built to replace the old one. My wife and I both have existing Heart conditions. My wifes requires here to have a pace-maker, and my conditions. My wifes requires here to have a pace-maker, and my condition required me to have two coronary bypass operations. Due to these conditions we both need this carport, to keep our vehicle out of foul weather. Doctor verification available upon written request.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: NE 10 B (Type or Print Name) (Type or Print Name) LLEALA NOVA Riz (Type or Print Name) - Keaha Nora Bugge City and State Attorney for Petitioner: Name, address and phone number of legal owner, con parchaser of representative to be contacted Attorney's Telephone No.: ORDERED By The Zoning Commissioner of Baltimore County, this _____ day ESTIMATES LINGUE OF HEARING (1788) MON-/TUES. GED - NEXT TWO MONTHS REVIEWED DY. C.S.C. DATE 10-29-9 (over)

PETITION FOR ZONING VENANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 1802.3C1 (300.1), to permit a side yard setback

of 4 inches in lieu of the required 6 feet; for an existing

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

PATUXENT NOTICE Columbia, MD 21044 OF HEARING The Zoning Commissioner of Baltimore January 29 County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the properly identified herein in Room 106 of the County Office Building, localed at 111 W. Chesapeake Avenue in Towson, daryland as foliows: THIS IS TO CERTIFY, that the annexed advertisement of (571 Brook Road) 9th Election District NOTICE OF HEARING 96170 4th Councilmanic District was inserted in the following: Ralph J. Rizzo, et ux ☐ Catonsville Times WEDNESDAY ☐ Booster Weekly ☐ Owings Mills Flier ☐ Towson Flier \$40.05 **FEBRUARY 17. 1988** ☐ Arbutus Times AT 2:00 P.M. ☐ Reporter Weekly (For snow date ca 194-3391.) weekly newspapers published in Baltimore County, Maryland Variance to permit once a week for one successive weeks before the 30 day of January 19 88, that is to side yard setback of 4 inches in lieu of the required 6 feet; for an existsay, the same was inserted in the issues of ing carport.
In the event that this Petition is granted, a build January 28, 1988 ing permit may be issued within the thirty (30) da appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in uis ofnce by the date of the hearing set above o presented at the hearing.
J. ROBERT HAINES Zoning Commissioner of Baltimore County

BALTIMORE COUNTY OFFICE OF FLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this 19th day of November , 1987. Petitioner Ralph J. Rizzo, et wx Petitioner's Received by: ** E. Dyer Chairman, Zoning Plans Attorney Advisory Committee Chy y golf y white was a supplier to the supplier was a supplier to the supplier of the supplier to the supplier of the suppli BALTIMORE COUNTY, MARYLAND OFFICE OF FINE E-REVENUE DIVISION MISCELLANEOUS CASH RECEIPT 10-29-87

ECEIVED MA + 1ND Poph 1 RIRAD Itam #166 Buce Vavira BALTIMORE COUNTY, MARYLAND B141*****35/0** +30%F OFFICE OF FIRE E-REVENUE DIVISION S VALIDATION OR SIGNATURE OF CASHIER

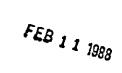
81-51 E1218 Sursen

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
491,3353

J. Robert Haines Zoning Commissioner

December 4, 1987

Mr. & Mrs. Ralph J. Rizzo 5/1 Brook Road Baltimore, Maryland 21204



Dennis F. Rasmussen

Case number: 88-318-A

NS Brook Road, 392'± c/1 Steveson Lane
(571 Brook Road)

9th Election District - 4th Councilmanic District
Petitioners: Ralph J. Rizzo, et ux

9th Election District - 4th Councilmanic District
Petitioners: Ralph J. Rizzo, et ux

Dear Mr. & Mrs. Rizzo:

Please he advised that tis due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Very truly yours

Baltimore County

J. ROBERT HAINES
Zoning Commissioner of

cc: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
194-3353

J. Robert Haines Zoning Commissioner

NOTICE OF HEARING

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 68-318-A

NS Brook Road, 392'± c/1 Steveson Lane
(571 Brook Road)
9th Election District - 4th Councilmanic District
Petitioners: Ralph J. Rizzo, et ux
DATE/TIME: WEDNESDAY, FEBRUARY 17, 1988 at 2:00 p.m.

Variance to permit a side yard setback of 4 inches in lieu of the required 6 feet; for an existing carport.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of sa'd permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc:L Mr. & Mrs. Ralph J. Rizzo

LIIC

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 10, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

MEMBERS

Bureau of Engineering Dear The Traffic Engineering ted State Roads Commission are Bureau of Fire Prevention plan Health Department have

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Toning Administration

Industrial

Development

Mr. Ralph J. Rizzo
571 Brook Road
Baltimore, Maryland 21204

RE: Item No. 166 - Case No. 88-318-A
Petitioner: Ralph J. Rizzo, et ux
Petition for Zoning Variance

Dear Mr. Rizzo:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer/Kris

Chairman Zoning Plans Advisory Committee

JED:kkb Enclosures Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204

December 2 10

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items numbers 159, 160, 161, 162, 163, 165, 166 and 167.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF:sb

DEC 23 1997
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
To Zoning Commissioner

P. David Fields

FROM Director of Planning and Zoning

Zoning Petition Nos. 88-310-A, 88-312-A,

SUBJECT 88-332-A, 88-318-A, 88-319-A

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields per fifteswell
P. David Fields
Director

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

J. Robert Haines

November 25, 1987

Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Re: Property Owner: Ralph J. Rizzo, et ux

Location: N/S Brook Rd., 392' + c/1 Stevenson La.

Item No.: 166

Zoning Agenda: Meeting of 11/10/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
 5. The buildings and structures existing or proposed on the site shall

) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Planning Group
Special Inspection Division

Fire Prevention Bureau

/j1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TC: Joseph M. Nolan
Assistant Building Engineer

Assistant Ruilding Engir
FROM: James H. Thompson
Zoning Coordinator

RE: 571 Brook Road 9th Election District

July 6, 1988

The above referenced property was the subject of a public hearing Case No. 88-318-A (copy enclosed). Would a member of your staff please check to see if the carport complys with the Building Code.

The results of your investigation are appreciated.

JHT:ljs

cc: Mr. James Calley 573 Brook Road Towson, Maryland 21204

Enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
TO: Paul H. Reincke, Chief

Fire Department
FROM: James H. Thompson
Zoning Coordinator

RE: 571 Brook Road 9th Election District July 6, 1988

The above referenced property was the subject of a public hearing

check to see if the carport complys with the Baltimore County Fire Code.

The results of your investigation are appreciated.

Case No. 88-318-A (copy enclosed). Would a member of your staff please

JHT:ljs

cc: Mr. James Galley 573 Brook Road Towson, Maryland 21204

Enclosure

CPS-Ona

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. James H. Thompson TO: Zoning Coordinator

DATE: July 19, 1988

Joseph M. Nolan FROM: Assistant Buildings Engineer

571 Brook Road

SUBJECT: 9th Election District

In compliance with your memo of July 6, 1988, Clarence Caples a Building Inspection Supervisor, visited the subject property and has reported the carport was inspected under Permit #2580-88 and Mr. Caples reports that the construction is adequate.

JMN/nmg

cc: correspondence

Joseph n Molon

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO James R. Thompson, Zoning Cor. Date July 8, 1988

FROM Roy Kemmer Battalion Chief, Investigative Service

SUBJECT 571 Brook Rd. Public Hearing Case #88-318-A

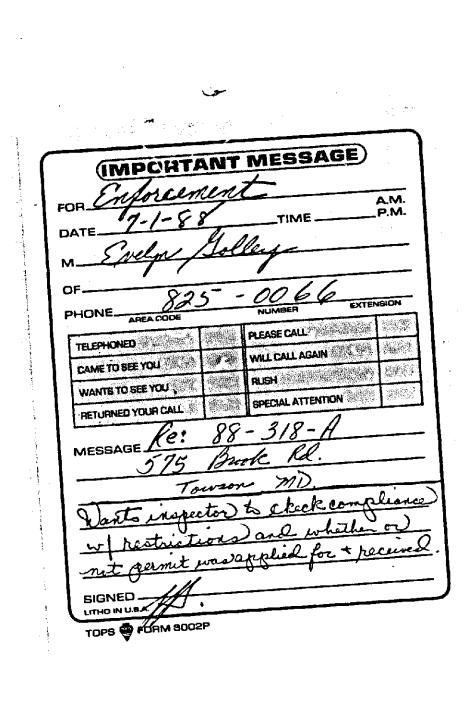
In reference to the subject hearing the Baltimore County Fire Department finds that this proposed carport does not violate the Fire Safety Code of Baltimore County.

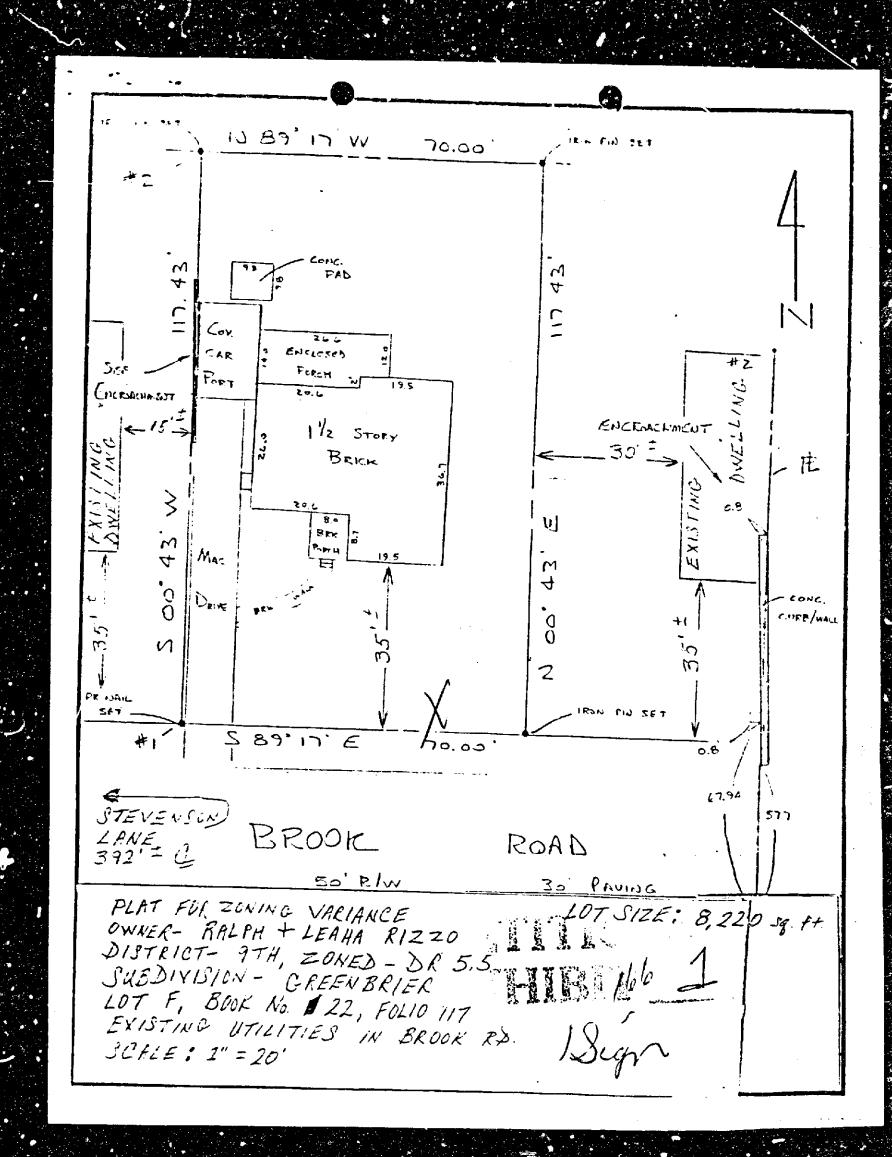
cc: Chief Paul H. Reincke
Deputy Chief John F. O'Neill
Battalion Chief Errol M. Markowitz
Captain Joseph Kelly (Plans Review)

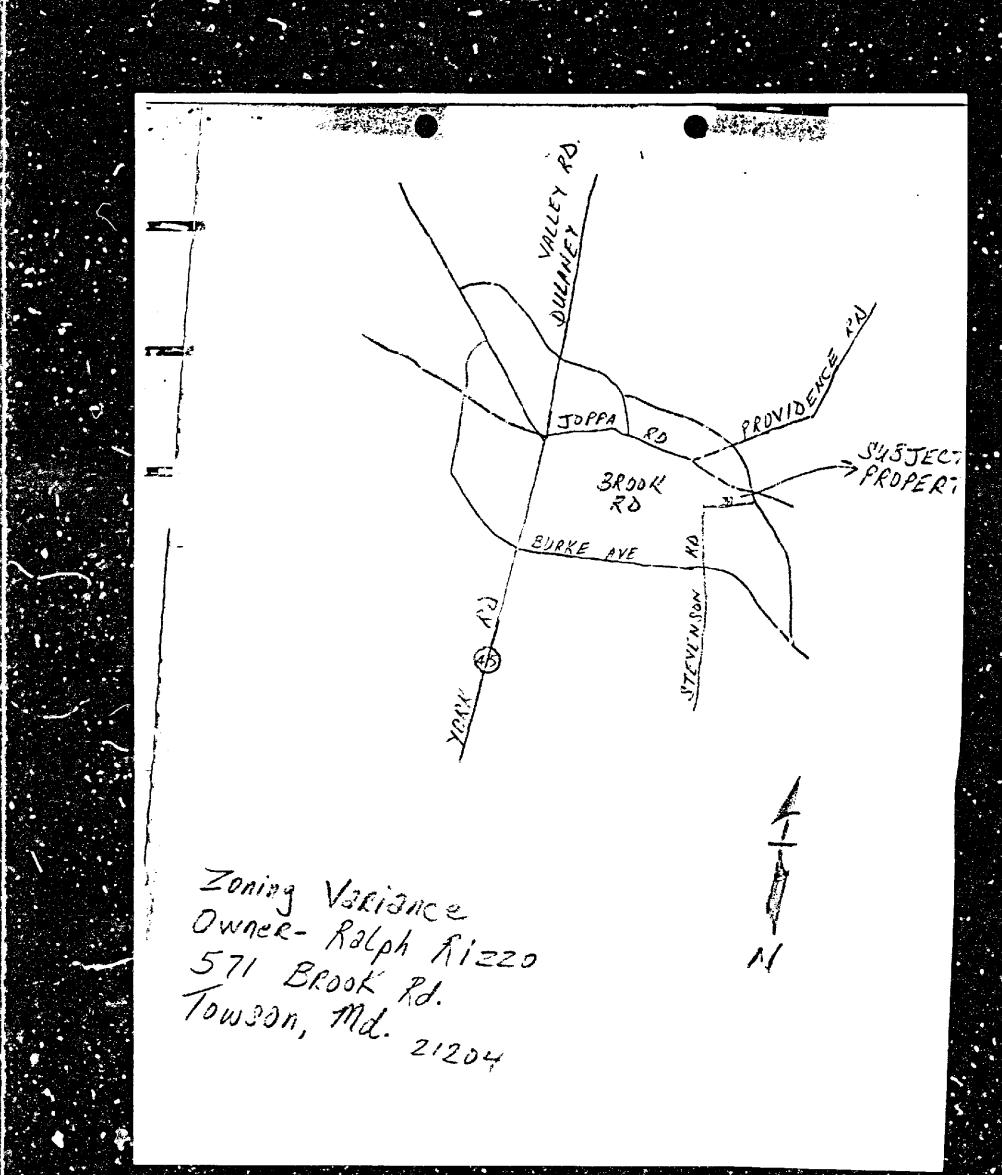
RK/lh

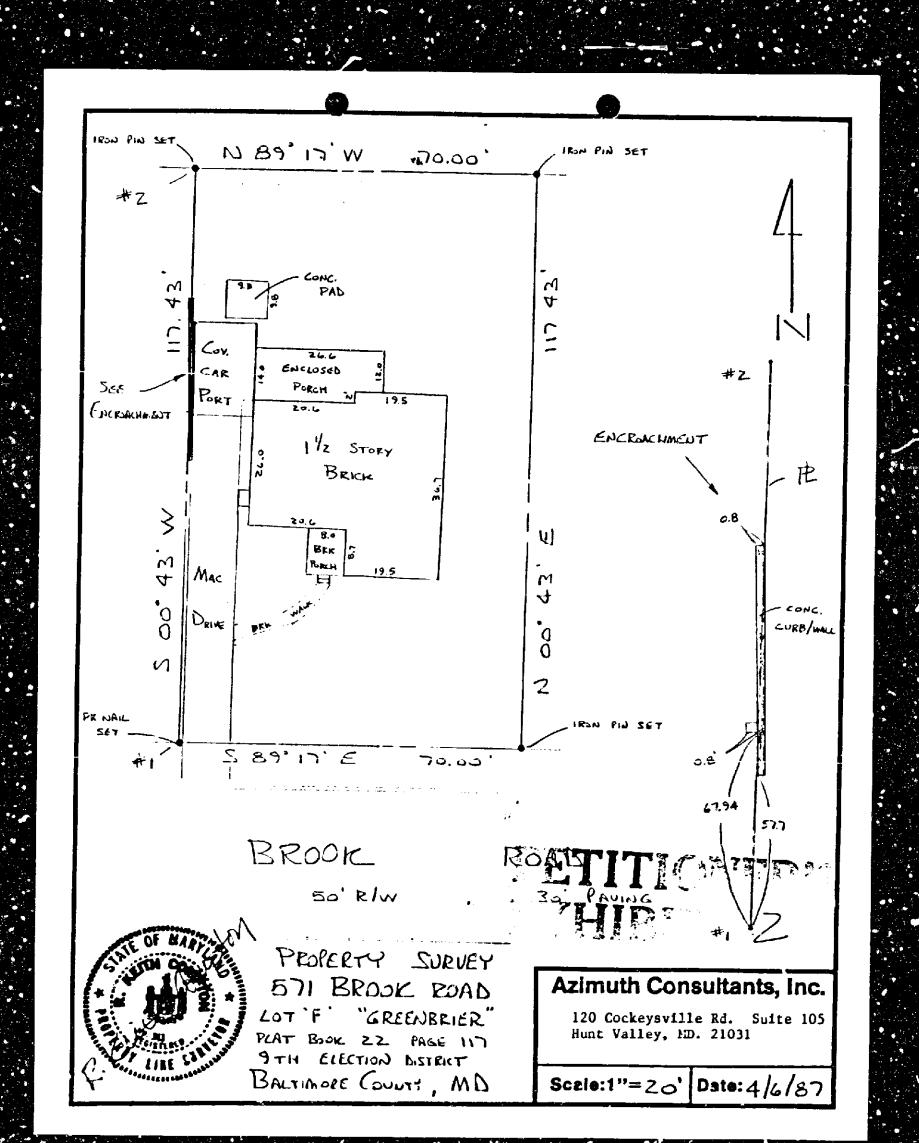


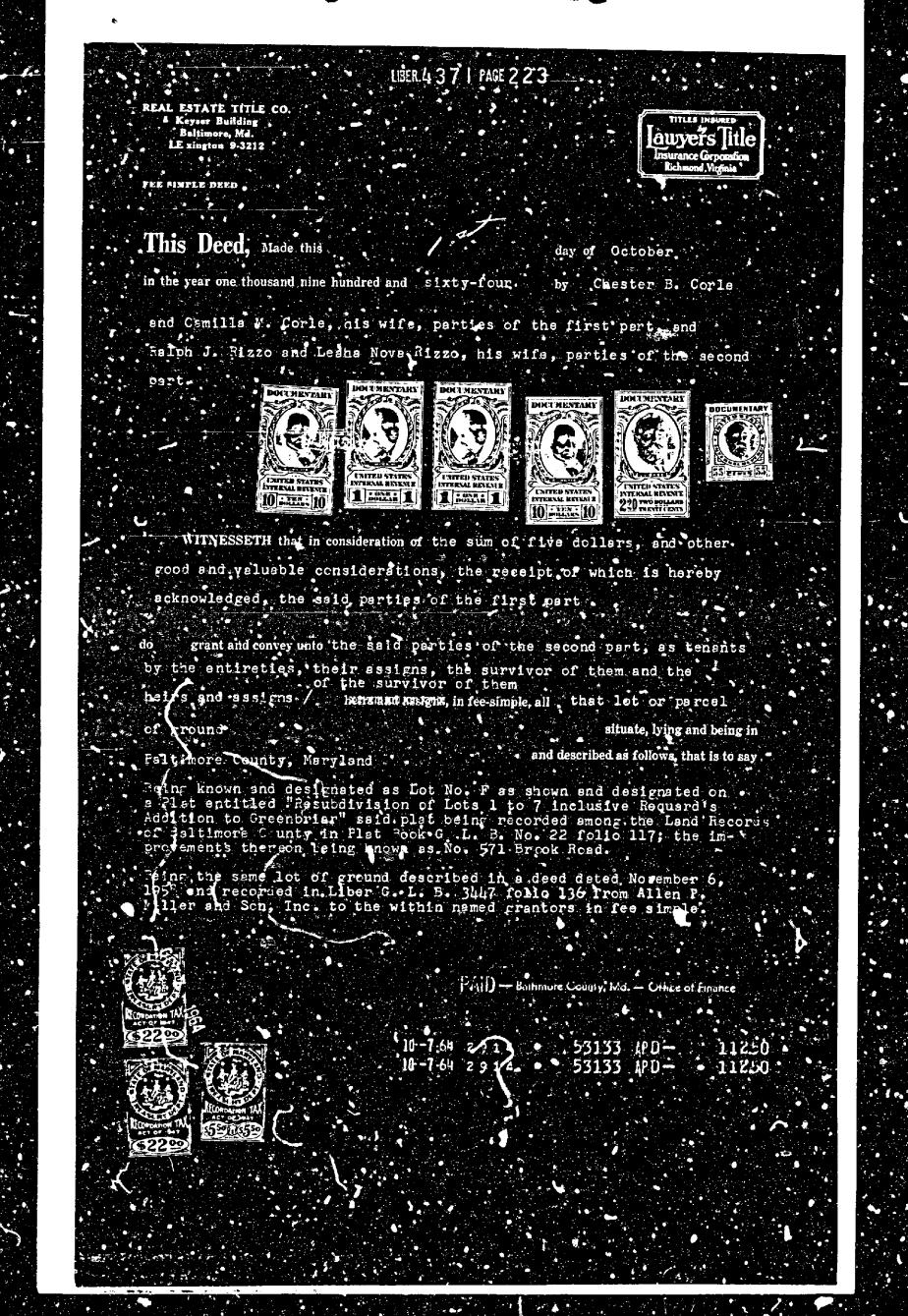
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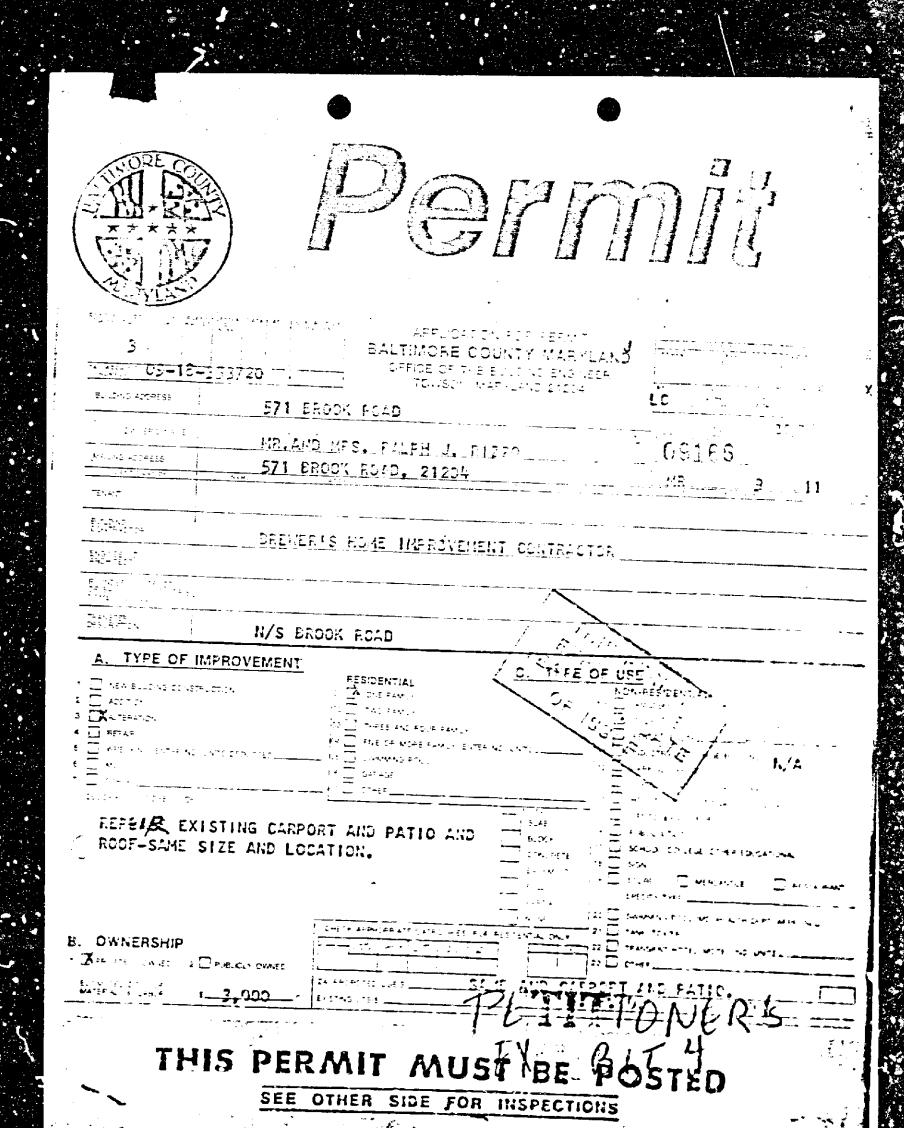












PETITIONER(S) EXHIBIT (5)



PROTESTANT(S) EXHIBIT (1



7



PROTESTANT(S) EXHIBIT (1

